

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
TIFFANY AND COMPANY and
TIFFANY (NJ) LLC, :

Plaintiffs and Counter-Defendants, :

- against - :

COSTCO WHOLESALE CORPORATION, :

Defendant and Counter-Plaintiff. :

ECF Case

13 Civ. 1041 (LTS)

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DECLARATION OF CHARLES M. LEVINE

1. My name is Charles M. Levine. I reside at 7143 Kessel Street, Forest Hills, New York 11375. I am currently a senior consultant to Dictionary.com, a website which offers access to an unabridged English language dictionary. The primary English language dictionary available at Dictionary.com is based on and comprises content that was originally published as the Random House Dictionary of the English Language. I direct a team of lexicographers in the updating and revision of the primary English language dictionary offered at Dictionary.com. Between 1990 and 1999 I held a series of positions with Random House Reference Division, and eventually became Publisher of the Random House Reference Division, where I directed the publication of the company's acclaimed line of English dictionaries including the Random House Dictionary of the English Language. I have been personally involved in the editing and publishing of dictionaries for nearly forty (40) years. I received a B.A. from Columbia College in 1963 with Phi Beta Kappa honors. I subsequently received an M.A. from Indiana University in 1967 as a fellow in the history and philosophy of science. An abbreviated curriculum vitae is included in Exhibit 1 hereto.

2. In late April 2013, I was asked to perform a lexicographical analysis of words “Tiffany” and “Tiffany setting” (a compound noun) and to report on whether, in my opinion, those words have entered the English language as meaning a type of physical object. My investigation of this question is ongoing; however, as set forth more fully in the accompanying preliminary report, a review of sources commonly used by lexicographers made it immediately clear the words “Tiffany” and “Tiffany setting” are eponymous, widely used terms for a type of jewelry setting that holds a gemstone. In my opinion, the words “Tiffany” and “Tiffany setting” have a common descriptive meaning that is different from any meaning that the word Tiffany may have when it is used as a brand name or company name.

3. Accompanying this declaration as Exhibit 1 is a preliminary report on the results of my lexicographical analysis of the words “Tiffany” and “Tiffany setting.” I personally wrote and prepared the report in Exhibit 1. The contents of Exhibit 1 represent my current views of the meaning of “Tiffany” and “Tiffany setting” from a lexicographical point of view.

I, CHARLES M. LEVINE, hereby declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: May 6th, 2013

Charles M. Levine